



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re applications of:

Joseph R. Byrum *et al.*

Appln. No.: 09/669,817

Filed: September 26, 2000

For: Nucleic Acid Molecules and Other Molecules Associated with Plants

Art Unit: To be assigned

Examiner: To be assigned

Atty. Docket: 38-21(51469)B

**Response to Notice to Comply with Requirements for Patent Applications containing
Nucleotide Sequence and/or Amino Acid Sequence Disclosure**

RECEIVED

FEB 27 2001

Assistant Commissioner for Patents
Washington, DC 20231

**Box Patent Application
OFFICE OF PETITIONS**

Sir:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
2. Copy of Transmittal of the above identified patent application filed on September 26, 2000;
3. Copy of Petition under 37 C.F.R. §1.183, filed on September 26, 2000;
4. A substitute compact disc (CD-R) containing the sequence listing of the above identified application;
5. A Statement under 37 C.F.R. § 1.821(g); and
6. Certificates of Mailing for this Response and the above-listed documents (from 1 through 5).

The Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, stated that the paper copy of the "sequence Listing" of the above-identified patent application was not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. §§1.821(e). Applicants respectfully submit that this assertion is in error.

On September 26, 2000, the filing date of the above-identified application, applicants did not submit a paper copy of the Sequence Listing. On the filing date of the above identified patent application, Applicants submitted a CD-ROM containing the Sequence Listing and a petition

under 37 C.F.R. §1.183 and M.P.E.P. §1002.02(c)2 to waive the requirement of 37 C.F.R. §§1.821(c). In the petition to the Commissioner, filed on September 26, 2000, Applicants requested suspension of the non-statutory requirement for a paper copy of Sequence Listing under 37 C.F.R. §1.821(c), and further requested that the computer-readable form of the Sequence Listing filed in the above referenced application be considered as the official Sequence Listing. The submission of the Petition to Commissioner is clearly noted on the enclosed copy of the Transmittal of the above-identified patent application. Applicants are submitting, for your convenience, a copy of the petition under 37 CFR §1.183, which was filed on September 26, 2000.

In response to the Raw Sequence Listing Error Report, which was an accompanying document of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, Applicants are submitting a substitute copy of the sequence listing in computer readable form and a statement under 37 C.F.R. §1.821(g). The sequence listing on the substitute compact disc (CD-R) was checked with the United States Patent Office Checker software, version 3.0, in an attempt to recognize any possible errors before submission. No error was detected.

In the event that extensions of time are necessary to prevent abandonment of the above-identified patent application, then such extensions of time are hereby petitioned. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 13-4125.

Respectfully submitted,



Jian S. Zhou
(Reg. No. 41,422)

Date: February 15, 2001

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